UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/692,920	BANKER ET AL.
	Examiner	Art Unit	
	Scott Beliveau	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 September 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,16-18,21-23,25-27,32,34,35 and 38-59_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,16-18,21-23,25-27,32,34,35 and 38-59_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                        Paper No(s)/Mail Date. _____.
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   6)☐ Other: _____.
       Paper No(s)/Mail Date _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 13 September 2007 has been

entered.

Priority

2.   Applicant has not complied with one or more conditions for receiving the benefit of an

earlier filing date under 35 U.S.C. 120. In particular, the later-filed application must be an

application for a patent for an invention which is also disclosed in the prior application (the

parent or original nonprovisional application or provisional application); the disclosure of the

invention in the parent application and in the later-filed application must be sufficient to

comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products,*

Inc. v. Performance Contracting, Inc., 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The

earlier 09/590,488 application illustrates an "indexing function" in Figure 8C, however it

silent with respect to any of the claimed specifics as to the particular usage of the illustrated

function.

3.   Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

However, the provisional application upon which priority is claimed fails to provide adequate

support under 35 U.S.C. 112 for claims 1-5, 16-18, 21-23, 25-27, 32, 34, 35, and 38-59 of

this application. The provisional application briefly discloses the ability to index listings

with left and right arrows by selectable categories such as year or rating (Page 8). However,

the brief disclosure fails to adequately disclose the claimed invention set forth in the

amended claims. For example, the earlier filling is silent as to the limitations of "configuring

each index in a continuous sequence of variably sized user-selectable indices having a

variable number of media titles, according to a respective range of values of the media

information parameter, each respective range of values being determined according to a

threshold defining a predetermined number of media titles" (Claim 1), "determining a range

of values of the media information parameter corresponding to each index in a continuous

sequence of variably sized user-selectable indices having a variable number of media titles,

the range of values being determined according to the number of media titles in the portion of

the received media information corresponding to the respective range of values" (Claim 2),

"enabling a continuous sequence of variably sized user-selectable indices having a variable

number of titles for indexing displayed media titles, each user-selectable index corresponding

to a range of time and according to a threshold defining a predetermined number of media

titles" (Claim 17), "determine a first range of values of the media information to each index

in a continuous sequence of variably sized user-selectable indices, the first range of values

being determined according to the number of media titles in the portion of the received media

information corresponding to the respective first range of values" (Claim 52), and

"configuring each index in a continuous sequence of variably sized user-selectable indices

having a variable number of titles according to the display order and according to a

respective range of values of the media information parameter, each range of values being determined according to a threshold defining a predetermined number of media titles" (Claim 59). Accordingly, the instant application shall be examined on the basis of its filling date or 20 October 2000.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-5, 16-18, 21-23, 25-27, 32, 34, 35, and 38-59 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments that the combination of LaJoie et al. and Eick et al. fail to teach or suggest the particular usage of a "continuous sequence of variable sized user selectable indices having a variable number of media titles", the examiner respectfully disagrees. The LaJoie et al. 'indexes' Figure 22) is continuous in so far it covers the entire alphabet (A-Z) and graphically is presented in a continuous loop (Col 25, Lines 15-33; Col 28, Lines 16-26). Based on the exemplary program listings, there is also a 'variable number of media titles'. Eick et al. also teaches that the indexes are 'variable' as defined by the variable MAXDISPLAY (Col 91-92) and that indexes are further 'combined' as claimed (Col 97-98). Accordingly, applicant's arguments/amendments are not believed to overcome the previously presented combination of references.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 32, 34, 35, 38-45, 52-55, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Eick et al. (US Pat No. 5,812,124).

In consideration of claim 1, the LaJoie et al. reference discloses a method for "providing media information to a user" implemented via a "media services client device" [6] which is coupled to a "programmable media services service device" [15]. The method comprises "receiving media information corresponding to a plurality of accessible media" and subsequently, "configuring a display order of the media titles in the received media information according to the value of a media information parameter" such as Title – Letter (Col 27, Line 64 – Col 28, Line 26). The system "configures [a] continuous sequence of variably sized user-selectable indices having a variable number of media titles for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the

media information parameter corresponding to the user-selectable index" (Col 25, Lines 15-33; Col 28, Lines 16-26) such that "selection of any one of the user-selectable indices automatically provides the media titles corresponding to the selected index". Upon "receiving selection of a first user-selectable index" (ex. Letter) wherein "the selection [is] a triggering event to provide at least a portion of the media titles corresponding to the first user selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index", the system subsequently "provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index" (Figures 22-23; Col 28, Lines 16-49). The reference, however, is silent with respect to "configuring the continuous sequence of variable sized user selectable indexes . . . according to a respective first range of values" (ex. the range may correspond to all individual letters for which a television program exists {A-Z}, or all titles that start with just N {N* or N – Nzzz . . .}, or titles all titles that start with a particular letter combination {NO, NO*, or NO – Nozzzz . . .}) ". . . being determined according to a threshold defining a predetermined number of media titles" wherein "each user-selectable index corresponds directly to the media titles in the received media information [is] determined by the respective first range of values of the media information parameter corresponding to the user-selectable index such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index . . . " as claimed.

In an analogous art pertaining to the display of program guide information, the Eick et al. reference "presents, to the user . . . selectable indices in an interactive media guide display, [wherein] each of the user selectable indices [is] configured to provide . . . media titles

according to [a] threshold defining a predetermined number of media titles" (Figures 17-21).

Since the threshold is a variable (MAXDISPLAY)(Col 91-92), each of the indexes is

variably sized and corresponds to a 'variable number of media titles' in accordance with the

established value. The method involves "configuring the continuous sequence of variable

sized user-selectable indices . . . according to a respective first range of values . . . being

determined according to a threshold defining a predetermined number of media titles"

wherein "each user-selectable index corresponding directly to the media titles in the received

media information [is] determined by the respective first range of values of the media

information parameter corresponding to the user-selectable index such that selection of any

of the user-selectable indices automatically provides the media titles corresponding to the

selected index". "In response to determining that the number of media titles corresponding

to the first user-selectable index is less than the threshold", Eick et al. teaches that the system

"combines the first user-selectable index with another user-selectable index such that the

media titles corresponding to the first user-selectable index and the another user selectable

index may be accessed via a combined user-selectable index" (Col 97-98 – 'redo the list'),

The 'selectable indices' are subsequently "presented to the user" as aforementioned

whereupon "receiving a selection of a first user-selectable index [serves as] a triggering event

to provide at least a portion of the media titles corresponding to the first user-selectable index

and without presenting an additional index that was not previously presented prior to

selection of the first user-selectable index" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line

19; Col 89 – Col 110 – "Select form code"). Accordingly, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to

"configure[e] each index in a continuous sequence of variably sized user-selectable indices

having a variable number of media titles, according to a respective first range of values of the

media information parameter, each respective range of values being determined according to

a threshold defining a predetermined number of media titles", to "configure the continuous

sequence of variably sized user-selectable indices for indexing the media titles in the display

order, [wherein] each user-selectable index corresponding directly to the media titles in the

received media information determined by the respective first range of values of the media

information parameter corresponding to the user-selectable index, such that selection of any

of the user-selectable indices automatically provides the media titles corresponding to the

selected index . . . ", ". . . to determine that the number of media titles corresponding to the

first user-selectable index is less than the threshold", [and in response to determining]

combine the first user-selectable index with another user-selectable index such that the media

titles corresponding to the first user-selectable index and the another user selectable index

may be accessed via a combined user-selectable index", and to "present, to the user, the

selectable indices in an interactive media guide display, each of the user selectable indices

being configured to provide the media titles according to the threshold defining a

predetermined number of media titles" for the purpose of advantageously providing a view of

a large schedule of data items with a sufficiently small number of items in order to provide

the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2,

Lines 30-36).

In consideration of claim 2, the LaJoie et al. reference discloses a method for "providing

media information to a user" implemented via a "media services client device" [6] which is

coupled to a "programmable media services service device" [15]. The method comprises "receiving media information corresponding to a plurality of accessible media" and subsequently, "configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter" such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and also "according to a portion of the received media information corresponding to a user-selected category" such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to secondarily or to "provide simultaneously in the display order" a sort by Title – Theme – Letter in order to allow the user to operate the set-top terminal easily and to navigate through the abundance of programs and services available in the cable television system.

LaJoie enables the user to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the "interactive media guide" (Figures 21-23) is "configured with [a] continuous sequence of variable sized user-selectable indices for indexing the media titles in the display order" (Col 25, Lines 15-33; Col 28, Lines 16-26) and is "presented . . . having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index". For example, as illustrated in Figure 22, the 'prompt' only enables the selection of a single indexing parameter (ex. Letter – 'C') and its selection provides titles corresponding to the selected letter as shown. The

system subsequently "receives a first user input indicating selection of a first user-selectable index" (ex. Letter) wherein "the selection [is] a triggering event to provide at least a portion of the media titles corresponding to the first user selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index" and "responsive to the first user input, [the system] provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category" (Figures 22-23; Col 28, Lines 16-49). The reference, however, is silent with respect to "determining a first range of values of the media information parameter corresponding to each index in a continuous sequence of variably sized user-selectable indices . . . having a variable number of titles, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values".

In an analogous art pertaining to the display of program guide information, the Eick et al. reference discloses "determining a first range of values of the media information parameter corresponding to each index in a continuous sequence of variably sized user-selectable indices . . . having a variable number of titles user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – "Select form code"). Since the threshold is a variable (MAXDISPLAY)(Col 91-92), each of the indexes is variably sized and corresponds to a 'variable number of media titles' in accordance with the established value. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify LaJoie et al. to "determine[e] a range of values of the media information

parameter corresponding to each index in a continuous sequence of variably sized user-

selectable indices . . . having a variable number of titles user-selectable indices, each range of

values being determined according to the number of media titles in the portion of the

received media information corresponding to the respective range of values" for the purpose

of advantageously providing a view of a large schedule of data items with a sufficiently small

number of items in order to provide the viewer with an opportunity to make a reasoned

selection therefrom (Eick et al.: Col 2, Lines 30-36).

In consideration of claim 52, the LaJoie et al. reference discloses a "media services client

device for providing media to a user" [6] comprising a "processor" [30] and "memory for

storing media information . . . corresponding to a plurality of respective accessible media"

[32] that are received via a server [15]. The "processor" is subsequently configured to "cause

a display order of media titles in the received media information according to the value of a

media information parameter" such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and

"according to a portion of the received media information" as defined by a "user-selected

category" such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that

the system is operable when sorting by Title – Theme to further secondarily sort by any other

set of the program characteristics. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify the LaJoie et al. reference to secondarily

or "provide simultaneously in the first display order" a sort by Title – Letter to allow user to

easily operate the set-top terminal and to navigate through the abundance of programs and

services available in the cable television system. Accordingly, the reference enables the user

to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the "interactive media

guide" (Figures 21-23) is "enabled . . . with [a] continuous sequence of variably sized user-

selectable indices for indexing the media titles in the display order" (Col 25, Lines 15-33;

Col 28, Lines 16-26) that is "presented . . . having a plurality of indexing prompts, each of

the indexing prompts directly corresponding to one and only one user-selectable indices,

such that selection of any of the user-selectable indices automatically provides the media

titles corresponding to the selected index". For example, as illustrated in Figure 22, the

'prompt' only enables the selection of a single indexing parameter (ex. Letter – 'C'). The

system subsequently "receives a first user input identifying a first indexing prompt" (ex.

Letter) "corresponding to a first user-selectable index" and "directly responsive to the first

user input, [the system] provides simultaneously in the first display order at least a portion of

the media titles corresponding to the first user-selectable index and the user-selected

category, wherein the at least a portion of the media titles are displayed without presenting an

additional index that was not previously presented prior to selection of the first user-

selectable index" (Figures 22-23; Col 28, Lines 16-49).

The reference, however, is silent with respect to "determining a first range of values of

the media information parameter corresponding to each index in a continuous sequence of

variably sized user-selectable indices, the first range of values being determined according to

the number of media titles in the portion of the received media information corresponding to

the respective first range of values". In an analogous art pertaining to the display of program

guide information, the Eick et al. reference discloses "determining a first range of values of

the media information parameter corresponding to each index in a continuous sequence of

variably sized user-selectable indices having a variable number of titles, [wherein] the first

range of values [is] determined according to the number of media titles in the portion of the

received media information corresponding to the respective range of values" (Figures 16 –

22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – "Select form code"). Since the

threshold is a variable (MAXDISPLAY)(Col 91-92), each of the indexes is variably sized

and corresponds to a 'variable number of media titles' in accordance with the established

value. Accordingly, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify LaJoie et al. to "determine[e] a first range of values

of the media information parameter corresponding to each index in a continuous sequence of

variably sized user-selectable indices, the first range of values being determined according to

the number of media titles in the portion of the received media information corresponding to

the respective first range of values" for the purpose of advantageously providing a view of a

large schedule of data items with a sufficiently small number of items in order to provide the

viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines

30-36).

Claims 3 and 39 are rejected wherein the "range of values defining each user-selectable

index is selected from a group consisting of: an alphanumeric character [and] a plurality of

alphanumeric characters" (Eick et al.: Figures 16-22).

Claims 4 and 40 is rejected wherein the "media information parameter is selected from

the group consisting of title name . . . " (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28,

Line 26).

Claims 5 and 41 are rejected wherein the method/system comprises "receiving user input

identifying a media information parameter" such as Title - Letter for "indexing the media

titles" (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 32 and 34 are rejected in light of the aforementioned wherein the system

"receives user input identifying the first user-selectable index" wherein "user input is

initiated by the user pressing an arrow button on a remote control" (LaJoie et al.: Col 28,

Lines 16-26).

Claim 35 is rejected wherein Figures 17-23 of LaJoie et al. illustrate that the "interactive

media guide includes a plurality of indexing prompts and a plurality of media titles".

Claim 38 is rejected in light of the combination of references and in particular the

teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the

indexing by alphabetical list that the previous indexing term associated with "user input

designating . . . [a] media title to be highlighted" is highlighted as the default (LaJoie et al.:

Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the

user selecting a first program for viewing (ex. "CBS Sports Special) and returning to and

selecting or highlighting another program (Ex. "Extreme Skiing"), the system would

subsequently, "[highlight] a second user-selectable index associated with a second media title

. . . in response to the client device receiving user input designating said second media title to

be highlighted" upon the user returning to accessing the program Title – Theme – Letter

indexing functionality.

Claim 43 is rejected wherein the "each respective range of values is further determined

according to a first threshold defining a "first range of values defining the first user-

selectable index is an alphanumeric character" (ex. "N") and a "second range of values

defining a second user-selectable index is at least two alphanumeric characters" (ex. "N*") or

all titles up to the established threshold (MAXDISPLAY = 6) in the set defined by {N −

Nzzz . . .} (Eick et al.: Figures 18-20).

Claims 44, 45, and 55 are rejected wherein the "first range of values defining the first

user-selectable index is an alphanumeric character" (ex. "N") and a "second range of values

defining a second user-selectable index is at least two [or a plurality of] alphanumeric

characters" (ex. "N*") or all titles up to the established threshold (MAXDISPLAY = 6) in the

set defined by {N − Nzzz . . .} (Eick et al.: Figures 18-20).

Claims 53 and 54 are rejected in light of the aforementioned wherein the "portion of the

received media information corresponds to a user-selected category" wherein the "user-

selected category corresponds to the media titles in the received media information

corresponding to all the movies in the media information" (LaJoie et al.: Figure 20).

Claim 57 is rejected in light of the aforementioned wherein the LaJoie et al. reference

teaches that the "media titles are ordered based on both the user-selected category and the

first user-selectable media" (Ex. Title − Theme − Letter).

Claim 58 is rejected wherein the "first user-selectable index and a first media title

associated with said first user-selectable index are highlighted" (LaJoie et al.: Figure 22; Col

28, Lines 27-39).

In consideration of claim 59, the LaJoie et al. reference discloses a method for "providing

media information to a user" implemented via a "media services client device" [6] which is

coupled to a "programmable media services service device" [15]. The method comprises

"receiving media information corresponding to a plurality of accessible media" and

subsequently, "configuring a display order of the media titles in the received media

information according to the value of a media information parameter" such as Title

alphabetically by Letter (Col 27, Line 64 – Col 28, Line 26). The system "configures each

index in a continuous sequence of variably sized user-selectable indices having a variable

number of titles according to the display order" (Titles alphabetically by Letter) (Col 25,

Lines 15-33; Col 28, Lines 16-26) and "according to a respective range of values of the

media information parameter" (ex. Letters), "configures the continuous sequence of variably

sized user-selectable indices for indexing the media titles in the display order, each user-

selectable index corresponding to the media titles in the received media information

determined by the respective range of values of the media information parameter

corresponding to the user-selectable index, such that selection of any of the user-selectable

indices automatically provides the media titles corresponding to the selected index" and

"directly responsive to a user selecting a first user-selectable index" (ex. Letter), the system

subsequently "provides simultaneously in the display order at least a portion of the media

titles corresponding to the first user-selectable index, wherein the at least a portion of the

media titles are displayed without presenting an additional index that was not previously

presented prior to selection of the first user-selectable index" (Figures 22-23; Col 28, Lines

16-49). The reference, however, is silent with respect to "configuring each index . . .

according to a respective range of values" (ex. the range may correspond to all individual

letters for which a television program exists {A-Z}, or all titles that start with just N {N* or

N – Nzzz . . .}, or titles all titles that start with a particular letter combination {NO, NO*, or

NO – Nozzzz ...}) "... being determined according to a threshold defining a predetermined number of media titles".

In an analogous art related art pertaining to the display of program guide information, the Eick et al. reference discloses "configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of titles according to the display order" (ex. Titles alphabetically by Letter) and "according to a respective range of values of the media information parameter ... being determined according to a threshold defining a predetermined number of media titles" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – "Select form code"). Since the threshold is a variable (MAXDISPLAY)(Col 91-92), each of the indexes is variably sized and corresponds to a 'variable number of media titles' in accordance with the established value. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to "configure[e] each index ... according to a respective range of values being determined according to a threshold defining a predetermined number of media titles" for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the viewer with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

8.   Claims 16 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Knudson et al. (US Pub No. US 2005/02024387)

In consideration of claims 16 and 48, the LaJoie et al. reference discloses that the media guide and associated functionality is provided to cable subscribers. The reference, however,

does not explicitly that cable subscribers are "charged a fee in connection with the provision of indexing functionality" associated with being allowed to access the cable provider's network/services. In an analogous art pertaining to the display of program guide information, the Knudson et al. reference provides evidence that cable subscribers are "charged a fee in connection with" access to interactive services including those associated with interactive media guides whereupon lack of payment disables access to those services (Figure 105; Para. [0211]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "charge the user a fee in connection with the provision of indexing functionality" for the purpose of charging subscribers usage fees in order for service providers to re-coup costs and profit from providing cable services.

9. Claims 17, 18, 21-23, 25-27, 46, 47, 49, 50, 51, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Young et al. (US Pat No. 5,808,608).

In consideration of claim 17, as aforementioned, the LaJoie et al. reference discloses a "media services client device for providing media to a user" [6] comprising a "processor" [30] and "memory for storing media information . . . corresponding to a plurality of respective accessible media" [32] that are received via a server [15]. The reference teaches that the system is operable to "cause a display order of media titles in the received media information" based on a number of criteria (Title – Theme, Title – Letter, etc.), to "enable a continuous sequence of variably sized user-selectable indices having a variable number of titles for indexing displayed media titles wherein each user-selectable index directly corresponds to a range of time" (Col 25, Lines 15-33; Col 28, Lines 16-26) associated with

the underlying programs (ex. "Casablanca" was released in 1942 and is scheduled to be broadcast on 9/20 at 12:00 PM and the "CBS Sports Special" is construed as being associated with a different year such as 1996 and a different broadcast time). The system subsequently, "determines the media titles in the received media information corresponding to each-user selectable index" (ex. Title – Letter) (Figures 20-23).

The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to "determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category; . . . [and] directly responsive to a user input, to provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display without presenting an additional index that was not previously presented prior to selection of the first user-selectable index" (Figures 22-23; Col 28, Lines 16-49) in order to allow the user to easily operate the set-top terminal and to navigate through the abundance of programs and services available within a given category of programming in the cable television system. The modification would enable the user to sort/filter based upon Title – Theme – Letter.

While the reference discloses the usage of a "continuous sequence of variably sized user-selectable indices", it is silent with respect to doing so "according to a threshold defining a predetermined number of media titles". In an analogous art pertaining to the display of program guide information, the Eick et al. reference "enables a continuous sequence of

variably sized user-selectable indices having a variable number of titles for indexing

displayed media titles, each user selectable index corresponding to a range of time and

according to a threshold defining a predetermined number of media titles" and "presents, to

the user . . . selectable indices in an interactive media guide display, [wherein] each of the

user selectable indices [is] configured to provide . . . media titles according to [a] threshold

defining a predetermined number of media titles, directly in response to selection of one of

the selectable indices" (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110

– "Select form code").   Since the threshold is a variable (MAXDISPLAY)(Col 91-92), each

of the indexes is variably sized and corresponds to a 'variable number of media titles' in

accordance with the established value. Accordingly, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify LaJoie et al. to

"enable a plurality of user-selectable indexes for indexing displayed media titles, each user-

selectable index directly corresponding to a range of time and according to a threshold

defining a predetermined number of media titles; [and] presenting, to the user, the selectable

indices in an interactive media guide display, each of the user selectable indices being

configured to provide the media titles according to the threshold defining a predetermined

number of media titles, directly in response to selection of one of the selectable indices" for

the purpose of advantageously providing a view of a large schedule of data items with a

sufficiently small number of items in order to provide the viewer with an opportunity to

make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

With respect to the limitation that the system further "causes a display order of the media

titles in the received media information according to the value of the release year of the

media" wherein the aforementioned "display order" is subsequently utilized "responsive to a user input", as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media, however, the reference does not explicitly disclose the ordering of a display "according to the value of the release year of the media". In an analogous art pertaining to the display of program guide information, the Young et al. reference discloses providing user selectable indices which utilize the "value of the release year of the media" in accordance with "causing a display order of the media titles in the received media information according to the value of the release year of the media" (Young et al.: Col 13, Line 60 – Col 15, Line 23). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al., as suggested, to utilize other program characteristics in connection with indexing program titles including the utilization of the "value of the release year of the media" as an user-selectable index and the further "causing [of] a display order of the media titles in the received media information according to the value of the release year of the media" as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Claim 18 is rejected in light of the aforementioned wherein "only media titles belonging to a sub-list of media titles", or those corresponding to the user-selected index or category is "presented to the user" in light of the combined references (LaJoie et al.: Col 6, Lines 29-46).

Claims 21 and 23 are rejected in light of the aforementioned wherein the system "receives user input identifying the first user-selectable index" wherein "user input is initiated by the user pressing an arrow button on a remote control" (LaJoie et al.: Col 28, Lines 16-26).

Claim 22 is rejected wherein the "media titles are ordered based on the user-selected category and the first user-selectable index" in light of the combined references (LaJoie et al.: Col 27, Lines 24-28).

Claim 25 is rejected wherein the "first user-selectable index and a first media title associated with said first user-selectable index are highlighted" (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 26, the LaJoie et al. reference sets forth that a media title may be highlighted in response or subsequent to the user designating that particular user selectable index (Col 28, Lines 16-39). Accordingly, the reference meets the limitation "wherein a second media title associated with a second user-selectable index is highlighted in response to the client device receiving user input designating said second user-selectable index to be highlight" in connection with the user selecting a program and index other than an established default.

Claim 27 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with "user input designating . . . [a] media title to be highlighted" is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the

user selecting a first program for viewing (ex. "CBS Sports Special) and returning to and

selecting or highlighting another program (Ex. "Extreme Skiing"), the system would

subsequently, "[highlight] a second user-selectable index associated with a second media title

. . . in response to the client device receiving user input designating said second media title to

be highlighted" upon the user returning to accessing the program Title – Theme – Letter

indexing functionality.

In consideration of claims 46, 47, and 56, the combination of LaJoie et al. and Eick et al.

is silent with respect to the "media information parameter corresponding to a media release

year . . . " as recited in the claims. However, as aforementioned, the LaJoie et al. reference

suggests that the system is operable to further provide multiple sort criteria based upon any

one or set of program characteristics. The release year of the media is a characteristic of the

media. The Young et al. reference discloses utilizing a "media information parameter

corresponding to a media release year, the first range of values defining the first user-

selectable index is a year, and a second range of values defining a second user-selectable

index is a plurality of years" (Young et al.: Col 13, Line 60 – Col 15, Line 23).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify LaJoie et al., as suggested, to utilize other program

characteristics in connection with indexing program titles including the utilization of the

"value of the release year of the media" as an user-selectable index as taught by Young et al.

for the purpose of ordering the display of information most conveniently for the user based

upon available program characteristics (Young et al.: Col 2, Lines 43-57). Furthermore, it

would have subsequently have been obvious to utilize other data, as suggested in the source

code, such the aforementioned media release year in accordance with the teachings of Eick et

al. for added flexibility in connection with providing a view of a large schedule of data items

with a sufficiently small number of items in order to provide the viewer with an opportunity

to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Claim 49 is rejected in light of the aforementioned wherein the "user-selected category

corresponds to the media titles in the received media information corresponding to all the

movies in the media information" (LaJoie et al.: Figure 20).

In consideration of claim 50, the "user-selected category corresponds a portion of the

media titles in the received media information corresponding to one from . . . drama" as in

the case of the designation of the user-selected category "Movie" which corresponds to

media titles such as Movie/Drama entitled "Casablanca" (LaJoie: Figure 22).

Claim 51 is rejected wherein a "first range of values corresponding to the first user-

selectable index is a year, and a second range of values corresponding to a second user-

selectable index is a plurality of years" (Young et al.: Col 14, Lines 56-64).

10.   Claims 1-5, 32, 34, 35, 38-45, 52-55, and 57-59 are rejected under 35 U.S.C. 103(a) as

being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Rubinstein (US Pat

No. 5,721,897).

In consideration of claim 1, the LaJoie et al. reference discloses a method for "providing

media information to a user" implemented via a "media services client device" [6] which is

coupled to a "programmable media services service device" [15]. The method comprises

"receiving media information corresponding to a plurality of accessible media" and

subsequently, "configuring a display order of the media titles in the received media

information according to the value of a media information parameter" such as Title – Letter

(Col 27, Line 64 – Col 28, Line 26). The system "configures [a] continuous sequence of

variably sized user-selectable indices having a variable number of media titles for indexing

the media titles in the display order, each user-selectable index corresponding to the media

titles in the received media information determined by the respective range of values of the

media information parameter corresponding to the user-selectable index" (Col 25, Lines 15-

33; Col 28, Lines 16-26) such that "selection of any one of the user-selectable indices

automatically provides the media titles corresponding to the selected index". Upon

"receiving selection of a first user-selectable index" (ex. Letter) wherein "the selection [is] a

triggering event to provide at least a portion of the media titles corresponding to the first user

selectable index and without presenting an additional index that was not previously presented

prior to selection of the first user-selectable index", the system subsequently "provides

simultaneously in the display order at least a portion of the media titles corresponding to the

first user-selectable index" (Figures 22-23; Col 28, Lines 16-49). However, LaJoie et al. is

unclear with respect to how its various 'indexes' are configured.

In an analogous art pertaining to the problem of searching and browsing information, the

Rubinstein reference teaches that the technique of dynamically configuring search indexes

was recognized as part of the ordinary capabilities of one skilled in the art. The technique

involves "configuring each index" [512] (Figure 5) "in a continuous sequence of variably

sized user selectable indices having a variable number" of underlying entries, "according to a

respective first range of values" or alphanumerical characters, " . . . Each respective first

range of values [is] determined according to a threshold" associated with the calculated

average number of information items starting with each alphanumeric character. "In response to determining that the number of media titles corresponding to the first user-selectable index is less than the threshold", Rubinstein "combines the first user-selectable index with another user-selectable index such that the [information items] corresponding to the first user-selectable index and the another user-selectable index may be accessed via a combined user selectable index" (Col 10, Line 48—Col 11, Line 10). The fact that Rubinstein teaches the dynamic creation of substantially equally sized 'indices' is evidence that one having ordinary skill in the art would recognize the benefits of such. Accordingly, it would have been obvious to one having ordinary skill in the art to employ the index configuration technique of Rubinstein to the LaJoie et al. media programming 'indexes' for the predictable result of facilitating the quick retrieval of information of interest.

In consideration of claim 2, the LaJoie et al. reference discloses a method for "providing media information to a user" implemented via a "media services client device" [6] which is coupled to a "programmable media services service device" [15]. The method comprises "receiving media information corresponding to a plurality of accessible media" and subsequently, "configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter" such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and also "according to a portion of the received media information corresponding to a user-selected category" such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the LaJoie et al. reference to secondarily or to "provide

simultaneously in the display order" a sort by Title – Theme – Letter in order to allow the

user to operate the set-top terminal easily and to navigate through the abundance of programs

and services available in the cable television system.

LaJoie enables the user to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such

that the "interactive media guide" (Figures 21-23) is "configured with [a] continuous

sequence of variable sized user-selectable indices for indexing the media titles in the display

order" (Col 25, Lines 15-33; Col 28, Lines 16-26) and is "presented . . . having a plurality of

indexing prompts, each of the indexing prompts directly corresponding to one and only one

user-selectable index, such that selection of any of the user-selectable indices automatically

provides the media titles corresponding to the selected index". For example, as illustrated in

Figure 22, the 'prompt' only enables the selection of a single indexing parameter (ex. Letter

– 'C') and its selection provides titles corresponding to the selected letter as shown. The

system subsequently "receives a first user input indicating selection of a first user-selectable

index" (ex. Letter) wherein "the selection [is] a triggering event to provide at least a portion

of the media titles corresponding to the first user selectable index and without presenting an

additional index that was not previously presented prior to selection of the first user-

selectable index" and "responsive to the first user input, [the system] provides

simultaneously in the display order at least a portion of the media titles corresponding to the

first user-selectable index and the user-selected category" (Figures 22-23; Col 28, Lines 16-

49). However, LaJoie et al. is unclear with respect to how its various 'indexes' are

configured.

In an analogous art pertaining to the problem of searching and browsing information, the Rubinstein reference that the technique for dynamically configuring search indexes was recognized as part of the ordinary capabilities of one skilled in the art. The technique involves "determining a first range of values of the . . . information parameter corresponding to each index in a continuous sequence of variably sized user-selectable indices . . . having a variable number of [information items], the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values" (Col 10, Line 48—Col 11, Line 10). The fact that Rubinstein teaches the dynamic creation of substantially equally sized 'indices' is evidence that one having ordinary skill in the art would recognize the benefits of such. Accordingly, it would have been obvious to one having ordinary skill in the art to employ the index configuration technique of Rubinstein to the LaJoie et al. media programming 'indexes' for the predictable result of facilitating the quick retrieval of information of interest.

In consideration of claim 52, the LaJoie et al. reference discloses a "media services client device for providing media to a user" [6] comprising a "processor" [30] and "memory for storing media information . . . corresponding to a plurality of respective accessible media" [32] that are received via a server [15]. The "processor" is subsequently configured to "cause a display order of media titles in the received media information according to the value of a media information parameter" such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and "according to a portion of the received media information" as defined by a "user-selected category" such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other

set of the program characteristics. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify the LaJoie et al. reference to secondarily

or "provide simultaneously in the first display order" a sort by Title – Letter to allow user to

easily operate the set-top terminal and to navigate through the abundance of programs and

services available in the cable television system. Accordingly, the reference enables the user

to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the "interactive media

guide" (Figures 21-23) is "enabled . . . with [a] continuous sequence of variably sized user-

selectable indices for indexing the media titles in the display order" (Col 25, Lines 15-33;

Col 28, Lines 16-26) that is "presented . . . having a plurality of indexing prompts, each of

the indexing prompts directly corresponding to one and only one user-selectable indices,

such that selection of any of the user-selectable indices automatically provides the media

titles corresponding to the selected index". For example, as illustrated in Figure 22, the

'prompt' only enables the selection of a single indexing parameter (ex. Letter – 'C'). The

system subsequently "receives a first user input identifying a first indexing prompt" (ex.

Letter) "corresponding to a first user-selectable index" and "directly responsive to the first

user input, [the system] provides simultaneously in the first display order at least a portion of

the media titles corresponding to the first user-selectable index and the user-selected

category, wherein the at least a portion of the media titles are displayed without presenting an

additional index that was not previously presented prior to selection of the first user-

selectable index" (Figures 22-23; Col 28, Lines 16-49). However, LaJoie et al. is unclear

with respect to how its various 'indexes' are determined.

In an analogous art pertaining to the problem of searching and browsing information, the Rubinstein reference that the technique for dynamically configuring search indexes was recognized as part of the ordinary capabilities of one skilled in the art. The technique involves "determining a first range of values of the . . . information parameter corresponding to each index in a continuous sequence of variably sized user-selectable indices having a variable number of [information items], [wherein] the first range of values [is] determined according to the number of [information items] in the portion of the received . . . information corresponding to the respective first range of values" (Col 10, Line 48—Col 11, Line 10). The fact that Rubinstein teaches the dynamic creation of substantially equally sized 'indices' is evidence that one having ordinary skill in the art would recognize the benefits of such. Accordingly, it would have been obvious to one having ordinary skill in the art to employ the index configuration technique of Rubinstein to the LaJoie et al. media programming 'indexes' for the predictable result of facilitating the quick retrieval of information of interest.

Claims 3 and 39 are rejected wherein the "range of values defining each user-selectable index is selected from a group consisting of: an alphanumeric character [and] a plurality of alphanumeric characters" (Rubinstein: Figure 5).

Claims 4 and 40 is rejected wherein the "media information parameter is selected from the group consisting of title name . . ." (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 5 and 41 are rejected wherein the method/system comprises "receiving user input identifying a media information parameter" such as Title - Letter for "indexing the media titles" (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 32 and 34 are rejected in light of the aforementioned wherein the system "receives user input identifying the first user-selectable index" wherein "user input is initiated by the user pressing an arrow button on a remote control" (LaJoie et al.: Col 28, Lines 16-26).

Claim 35 is rejected wherein Figures 17-23 of LaJoie et al. illustrate that the "interactive media guide includes a plurality of indexing prompts and a plurality of media titles".

Claim 38 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with "user input designating . . . [a] media title to be highlighted" is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. "CBS Sports Special) and returning to and selecting or highlighting another program (Ex. "Extreme Skiing"), the system would subsequently, "[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to be highlighted" upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

Claim 43 is rejected wherein the "each respective range of values is further determined according to a first threshold defining a "first range of values defining the first user-

selectable index is an alphanumeric character" (ex. "G") and a "second range of values

defining a second user-selectable index is at least two alphanumeric characters" (ex. "I-L")

(Rubinstein: Figure 5; Col 10, Line 48 – Col 11, Line 10).

Claims 44, 45, and 55 are rejected wherein the "first range of values defining the first

user-selectable index is an alphanumeric character" (ex. "G") and a "second range of values

defining a second user-selectable index is at least two [or a plurality of] alphanumeric

characters" (ex. "I-L") (Rubinstein: Figure 5; Col 10, Line 48 – Col 11, Line 10).

Claims 53 and 54 are rejected in light of the aforementioned wherein the "portion of the

received media information corresponds to a user-selected category" wherein the "user-

selected category corresponds to the media titles in the received media information

corresponding to all the movies in the media information" (LaJoie et al.: Figure 20).

Claim 57 is rejected in light of the aforementioned wherein the LaJoie et al. reference

teaches that the "media titles are ordered based on both the user-selected category and the

first user-selectable media" (Ex. Title – Theme – Letter).

Claim 58 is rejected wherein the "first user-selectable index and a first media title

associated with said first user-selectable index are highlighted" (LaJoie et al.: Figure 22; Col

28, Lines 27-39).

In consideration of claim 59, the LaJoie et al. reference discloses a method for "providing

media information to a user" implemented via a "media services client device" [6] which is

coupled to a "programmable media services service device" [15]. The method comprises

"receiving media information corresponding to a plurality of accessible media" and

subsequently, "configuring a display order of the media titles in the received media

information according to the value of a media information parameter" such as Title

alphabetically by Letter (Col 27, Line 64 – Col 28, Line 26). The system "configures each

index in a continuous sequence of variably sized user-selectable indices having a variable

number of titles according to the display order" (Titles alphabetically by Letter) (Col 25,

Lines 15-33; Col 28, Lines 16-26) and "according to a respective range of values of the

media information parameter" (ex. Letters), "configures the continuous sequence of variably

sized user-selectable indices for indexing the media titles in the display order, each user-

selectable index corresponding to the media titles in the received media information

determined by the respective range of values of the media information parameter

corresponding to the user-selectable index, such that selection of any of the user-selectable

indices automatically provides the media titles corresponding to the selected index" and

"directly responsive to a user selecting a first user-selectable index" (ex. Letter), the system

subsequently "provides simultaneously in the display order at least a portion of the media

titles corresponding to the first user-selectable index, wherein the at least a portion of the

media titles are displayed without presenting an additional index that was not previously

presented prior to selection of the first user-selectable index" (Figures 22-23; Col 28, Lines

16-49). The reference, however, is silent with respect to "configuring each index . . .

according to a respective range of values . . . being determined according to a threshold

defining a predetermined number of media titles".

In an analogous art pertaining to the problem of searching and browsing information, the

Rubinstein reference that the technique for dynamically configuring search indexes was

recognized as part of the ordinary capabilities of one skilled in the art. The technique

involves "configuring each index in a continuous sequence of variably sized user-selectable

indices having a variable number of [information items] according to the display order" (ex.

alphabetically by Letter) and "according to a respective range of values of the . . .

information parameter . . . being determined according to a threshold defining a

predetermined number of" information items (Col 10, Line 48—Col 11, Line 10). The fact

that Rubinstein teaches the dynamic creation of substantially equally sized 'indices' is

evidence that one having ordinary skill in the art would recognize the benefits of such.

Accordingly, it would have been obvious to one having ordinary skill in the art to employ the

index configuration technique of Rubinstein to the LaJoie et al. media programming

'indexes' for the predictable result of facilitating the quick retrieval of information of

interest.

11.   Claims 16 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie

et al. (US Pat No. 5,850,218), in view of Rubinstein (US Pat No. 5,721,897), and in further

view of Knudson et al. (US Pub No. US 2005/02024387)

        In consideration of claims 16 and 48, the LaJoie et al. reference discloses that the media

guide and associated functionality is provided to cable subscribers. The reference, however,

does not explicitly that cable subscribers are "charged a fee in connection with the provision

of indexing functionality" associated with being allowed to access the cable provider's

network/services. In an analogous art pertaining to the display of program guide

information, the Knudson et al. reference provides evidence that cable subscribers are

"charged a fee in connection with" access to interactive services including those associated

with interactive media guides whereupon lack of payment disables access to those services

(Figure 105; Para. [0211]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "charge the user a fee in connection with the provision of indexing functionality" for the purpose of charging subscribers usage fees in order for service providers to re-coup costs and profit from providing cable services.

12.   Claims 17, 18, 21-23, 25-27, 46, 47, 49, 50, 51, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), Rubinstein (US Pat No. 5,721,897), and in further view of Young et al. (US Pat No. 5,808,608).

In consideration of claim 17, as aforementioned, the LaJoie et al. reference discloses a "media services client device for providing media to a user" [6] comprising a "processor" [30] and "memory for storing media information . . . corresponding to a plurality of respective accessible media" [32] that are received via a server [15]. The reference teaches that the system is operable to "cause a display order of media titles in the received media information" based on a number of criteria (Title – Theme, Title – Letter, etc.), to "enable a continuous sequence of variably sized user-selectable indices having a variable number of titles for indexing displayed media titles wherein each user-selectable index directly corresponds to a range of time" (Col 25, Lines 15-33; Col 28, Lines 16-26) associated with the underlying programs (ex. "Casablanca" was released in 1942 and is scheduled to be broadcast on 9/20 at 12:00 PM and the "CBS Sports Special" is construed as being associated with a different year such as 1996 and a different broadcast time). The system subsequently, "determines the media titles in the received media information corresponding to each-user selectable index" (ex. Title – Letter) (Figures 20-23).

The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the LaJoie et al. reference to "determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category; . . . [and] directly responsive to a user input, to provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display without presenting an additional index that was not previously presented prior to selection of the first user-selectable index" (Figures 22-23; Col 28, Lines 16-49) in order to allow the user to easily operate the set-top terminal and to navigate through the abundance of programs and services available within a given category of programming in the cable television system. The modification would enable the user to sort/filter based upon Title – Theme – Letter.

While LaJoie et al. discloses the usage of a "continuous sequence of variably sized user-selectable indices", it is silent with respect to doing so "according to a threshold defining a predetermined number of media titles". In an analogous art pertaining to the problem of searching and browsing information, the Rubinstein reference that the technique for dynamically configuring search indexes was recognized as part of the ordinary capabilities of one skilled in the art. The technique involves "enables a continuous sequence of variably sized user-selectable indices having a variable number of [information items] for indexing displayed [information items], each user selectable index corresponding to a range of time and according to a threshold defining a predetermined number of" information items and

"presents, to the user . . . selectable indices in an interactive . . . display, [wherein] each of the user selectable indices [is] configured to provide . . . [information items] according to [a] threshold defining a predetermined number of [information items], directly in response to selection of one of the selectable indices" (Col 9, Line 65 – Col 11, Line 10). The fact that Rubinstein teaches the dynamic creation of substantially equally sized 'indices' is evidence that one having ordinary skill in the art would recognize the benefits of such. Accordingly, it would have been obvious to one having ordinary skill in the art to employ the index configuration technique of Rubinstein to the LaJoie et al. media programming 'indexes' for the predictable result of facilitating the quick retrieval of information of interest.

With respect to the limitation that the system further "causes a display order of the media titles in the received media information according to the value of the release year of the media" wherein the aforementioned "display order" is subsequently utilized "responsive to a user input", as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media, however, the reference does not explicitly disclose the ordering of a display "according to the value of the release year of the media". In an analogous art pertaining to the display of program guide information, the Young et al. reference discloses providing user selectable indices which utilize the "value of the release year of the media" in accordance with "causing a display order of the media titles in the received media information according to the value of the release year of the media" (Young et al.: Col 13, Line 60 – Col 15, Line 23). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify LaJoie et al., as suggested, to utilize other program characteristics in connection with indexing program titles including the utilization of the "value of the release year of the media" as an user-selectable index and the further "causing [of] a display order of the media titles in the received media information according to the value of the release year of the media" as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Claim 18 is rejected in light of the aforementioned wherein "only media titles belonging to a sub-list of media titles", or those corresponding to the user-selected index or category is "presented to the user" in light of the combined references (LaJoie et al.: Col 6, Lines 29-46).

Claims 21 and 23 are rejected in light of the aforementioned wherein the system "receives user input identifying the first user-selectable index" wherein "user input is initiated by the user pressing an arrow button on a remote control" (LaJoie et al.: Col 28, Lines 16-26).

Claim 22 is rejected wherein the "media titles are ordered based on the user-selected category and the first user-selectable index" in light of the combined references (LaJoie et al.: Col 27, Lines 24-28).

Claim 25 is rejected wherein the "first user-selectable index and a first media title associated with said first user-selectable index are highlighted" (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 26, the LaJoie et al. reference sets forth that a media title may be highlighted in response or subsequent to the user designating that particular user selectable index (Col 28, Lines 16-39). Accordingly, the reference meets the limitation "wherein a second media title associated with a second user-selectable index is highlighted in response to the client device receiving user input designating said second user-selectable index to be highlight" in connection with the user selecting a program and index other than an established default.

Claim 27 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with "user input designating . . . [a] media title to be highlighted" is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. "CBS Sports Special) and returning to and selecting or highlighting another program (Ex. "Extreme Skiing"), the system would subsequently, "[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to be highlighted" upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

In consideration of claims 46, 47, and 56, the combination of LaJoie et al. and Rubinstein is silent with respect to the "media information parameter corresponding to a media release year . . . " as recited in the claims. However, as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any

one or set of program characteristics. The release year of the media is a characteristic of the media. The Young et al. reference discloses utilizing a "media information parameter corresponding to a media release year, the first range of values defining the first user-selectable index is a year, and a second range of values defining a second user-selectable index is a plurality of years" (Young et al.: Col 13, Line 60 – Col 15, Line 23). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie et al., as suggested, to utilize other program characteristics in connection with indexing program titles including the utilization of the "value of the release year of the media" as an user-selectable index as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Claim 49 is rejected in light of the aforementioned wherein the "user-selected category corresponds to the media titles in the received media information corresponding to all the movies in the media information" (LaJoie et al.: Figure 20).

In consideration of claim 50, the "user-selected category corresponds a portion of the media titles in the received media information corresponding to one from . . . drama" as in the case of the designation of the user-selected category "Movie" which corresponds to media titles such as Movie/Drama entitled "Casablanca" (LaJoie: Figure 22).

Claim 51 is rejected wherein a "first range of values corresponding to the first user-selectable index is a year, and a second range of values corresponding to a second user-selectable index is a plurality of years" (Young et al.: Col 14, Lines 56-64).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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571-272-1000.

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SEB
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